

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS – HOUSTON DIVISION

COUVILLION GROUP, LLC

VERSUS

WHITE MARLIN OPERATING COMPANY
LLC

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CIVIL ACTION NO. 4:22-cv-00908

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JOINT STATUS REPORT

NOW INTO COURT, through undersigned counsel, come Plaintiff, Couvillion Group, LLC (“Couvillion” or “Plaintiff”), and Defendants, White Marlin Operating Company, LLC, Agua Tranquillo Midstream LLC, Talco Petroleum, LLC, Torrent Oil, LLC, and Nigel Solida, to provide the Court with this Joint Status Report, as required by the Court’s March 10, 2023 Order.

I. Agreement by the Parties

In response to the Verified Second Amended Complaint filed by Couvillion on August 22, 2022, Defendants filed a Partial Motion to Dismiss Plaintiff’s Second Amended Complaint on September 12, 2022. Prior to submitting additional briefing, the parties began discussions to resolve the issues raised by Defendants in their Motion to Dismiss. As the parties were making significant progress in resolving many of the claims alleged in the instant matter, the parties filed a Joint Motion to Stay the Court’s July 8, 2022 briefing schedule. On September 30, 2022, the Court signed an Order staying the briefing schedule and the associated hearing on Defendants’ Motion to Dismiss.

During the Court’s Stay, Couvillion and White Marlin spent several months negotiating a settlement and release of any and all claims that Couvillion’s subcontractors may have had against Couvillion, White Marlin, Agua Tranquillo, and Talco. As a result of the parties’ efforts

during this time, all six of Couvillion's subcontractors entered into a compromise settlement agreement which released Couvillion, White Marlin, Aqua Tranquillo, and Talco from any causes of action or claims which could have been asserted by the subcontractors. As a result of these efforts, the parties and claims which may have complicated this litigation have been significantly reduced.

In addition, the parties to the instant litigation have agreed to the following terms in an effort to resolve the issues raised by Defendants in their Motion to Dismiss and to expedite any further proceedings:

- (1) Couvillion will amend its Complaint and nonsuit, without prejudice, the claims it brought against Torrent Oil, LLC and Nigel Solida;
- (2) White Marlin agrees to not oppose Couvillion's Motion for Leave to Amend its Complaint to later add Torrent Oil, LLC and Nigel Solida back as Defendants in the litigation;
- (3) White Marlin, Torrent Oil, and Nigel Solida agree to waive service of summons;
- (4) Torrent Oil, LLC and Nigel Solida agree that the statute of limitations for any claims which Couvillion may have brought against them are tolled until the conclusion of this litigation; and
- (5) White Marlin and Torrent Oil agree to waive any jurisdictional defenses.

II. Next Steps

As a result of the parties' agreement, Defendants' Motion to Dismiss filed on September 12, 2022 is now moot, and the Court need not reset any briefing deadlines or the hearing date.

Moving forward, Couvillion will amend its Verified Second Amended Complaint as agreed by the parties by April 3, 2023. Thereafter, the remaining Defendants shall have until April 24, 2023 to file an Amended Motion to Dismiss or, if they choose not to amend their Motion to Dismiss, file an answer and file any applicable counterclaims.

III. Request to the Court

As significant time has elapsed since the Court entered its July 25, 2022 Docket Control Order, the parties request that the Court enter a new Docket Control Order to reflect the above agreed deadlines, and to allow for additional time to conduct discovery. Pursuant to the current Docket Control Order, Plaintiff's expert report deadline is April 14, 2023, and Defendants' is on May 12, 2023. Further, the current Order requires all discovery be complete by June 23, 2023.

Respectfully submitted,

FRILOT L.L.C.

/s/ Danica B. Denny

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CERTIFICATE OF CIRCULATION AND SERVICE

I certify that on March 23, 2023, the following Joint Status Report was circulated and served on all counsel of record via CMECF after obtaining their consent to file the instant Motion on their behalf.

/s/ Danica B. Denny